

रजिस्टर्ड नं० पी०/एस० एम० १४.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 12 जुलाई, 1982/21 आषाढ़, 1904

हिमाचल प्रदेश सरकार

विधान सभा सचिवालय

अधिसूचना

शिमला-171004, 9 जुलाई, 1982

संख्या 1-48/82-वि० स०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य संचालन नियमावलि, 1973 के नियम 135 के अन्तर्गत द सैलरीज एण्ड अलाऊंसीज आफ डिप्टी मनिस्टरज (हिमाचल प्रदेश) (अमैडमेंट) बिल, 1982

(बिल नं० 11 आफ 1982) जो दिनांक 9 जुलाई, 1982 को हिमाचल प्रदेश विधान सभा में पुरःस्थापित हो गया है, सर्व साधारण की सूचनार्थ राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

विश्वेश्वर वर्मा,
सचिव।

Bill No. 11 of 1982

**THE SALARIES AND ALLOWANCES OF DEPUTY MINISTERS
(HIMACHAL PRADESH) (AMENDMENT) BILL, 1982**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 (Act No. 5 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) (Amendment) Act, 1982.

Short title and commencement.

(2) It shall and shall always be deemed to have come into force with effect from the 2nd day of June, 1982.

5 of 1971.

2. In section 3 of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971, hereinafter called the principal Act, for the words "eight hundred", the words "one thousand and four hundred" shall be substituted.

Amendment of section 3.

3. After section 6 of the principal Act, the following new section 6-A, alongwith its heading, shall be inserted, namely:—

Insertion of section 6-A.

"6-A.—Free transit by railway.—Each Deputy Minister shall be provided with two free non-transferable first class passes, valid during the term of his office, which shall entitle him and his spouse or any other person, accompanying him to look after and assist him, to travel at any time by any railway in India; provided the aggregate distance so travelled in any financial year on these passes does not exceed twenty thousand kilometres:

Provided that if the journey is performed by an air-conditioned railway coach or by air he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first-class fares for such journey.

*Explanation.—*For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971, or under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's

and Deputy Speaker's Salaries Act, 1971, or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, shall be taken into account."

4 of 1971

8 of 1971

Insertion of
section 8-A.

4. After section 8 of the principal Act, the following new section 8-A, alongwith its heading, shall be inserted, namely:—

"8-A. House building advance.—In case a Deputy Minister does not avail himself of the facility of motor car advance as provided in section 8, he may be paid by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the construction of a house, or for the purchase of a built-up house."

Amendment
of
section 9.

5. In sub-section (1) of section 9 of the principal Act, the words "if such facility is available at such place at normal rates and without incurring an additional cost", shall be omitted and in the proviso, for the words "fifty rupees" the words "three hundred rupees" shall be substituted.

Insertion of
new section
9-A.

6. After section 9 of the principal Act, the following new section 9-A, alongwith its heading, shall be inserted, namely:—

9-A. Allowances and perquisites to be exclusive of income tax.—

The allowances payable to the Deputy Minister, and free furnished house, and other perquisites admissible to him, under this Act, shall be exclusive of income-tax which shall be payable by the State Government.

Explanation.—The amount of income tax payable by the State, would be the first slab of the income assessed for income-tax i. e. in assessing this amount, the other sources of income of the Deputy Minister concerned shall not be taken into consideration."

STATEMENT OF OBJECTS AND REASONS

Under section 3 of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971, the Deputy Minister is entitled to a salary at the rate of Rs. 800/- per month. On the other hand, Ministers/Speaker/Deputy Speaker/Ministers of State are entitled to a salary of Rs. 1500/- per month each. The disparity in the salaries of the Deputy Minister on the one hand and of the Ministers/Speaker/Deputy Speaker and Ministers of State on the other hand is considered unreasonably high. With a view to reduce the disparity, the salary of the Deputy Minister needs to be enhanced to Rs. 1400/- per month.

2. At present, the Ministers, Speaker, Deputy Speaker, Ministers of State and Members of the Legislative Assembly have been provided the facility of free transit by railway. It has been considered that the same facility be extended to the Deputy Ministers also.

3. The Deputy Ministers have been entitled to take an advance for the purchase of motor car so that they may be able to discharge conveniently and efficiently the duties of their respective offices. It has been considered that in case they do not intend to avail themselves of this facility, they may be provided the facility of repayable house building advance either for the construction of their own house or for the purchase of a built-up house, to have a reasonable standard of living.

4. At present, the the Deputy Ministers have been allowed the re-imbursement of expenditure on local and outside calls to a maximum of Rs. 50 in any month in respect of telephones installed at any place within their constituencies or at their permanent place of residences. This re-imbursement is proposed to be increased to a maximum of Rs. 300/- per month.

5. The salaries, allowances and other perquisites admissible to the Ministers, Ministers of State, Speaker, Deputy Speaker and the Members of the Legislative Assembly are exclusive of income-tax and their income-tax liability to that extent is borne by the State Government. It has, therefore, been decided to provide the same facility to the Deputy Ministers also.

This Bill seeks to achieve the aforesaid objective.

RAM LALL,
Chief Minister.

SIMLA:
The 9-7-1982.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Deputy Ministers be given a salary at the rate of Rs. 1400/- per month each in place of Rs. 800/- per month. The annual extra recurring expenditure on account of the enhancement in the salary of the Deputy Ministers from Rs. 800/- per month to Rs. 1400/- per month shall be Rs. 28,800/- per annum (approximately). The free transit by railway facility provided *vide* clause 3 would involve an extra recurring expenditure to the tune of Rs. 16,000/- per annum. Clause 4 provides that the Deputy Ministers can avail themselves of the facility of house building advance in lieu of car advance. The limit of house building advance would be maximum of Rs. 60,000 as is available to Ministers, Speaker, Deputy Speaker, Ministers of State and M. L. As. It can not be precisely stated that how many Deputy Ministers shall avail this facility. However, the approximate non-recurring expenditure on this account may be to the tune of Rs. 2,40,000/- which is recoverable. Clause 5 provides the re-imbursement of telephone charges to the extent of Rs. 300/- per month to the Deputy Ministers. The approximate recurring expenditure involved would be about Rs. 12,000/- per annum. Clause 6 of the Bill provides relief to the Deputy Ministers in respect of income-tax liability, which will now be borne by the State Government. The income-tax payable by the Deputy Ministers on their allowances will be nominal.

The expenditure involved for the implementation of the proposed provisions has been tentatively worked out. The State Government is likely to incur Rs. 56,800/- per annum recurring and Rs. 2,40,000/- non-recurring expenditure in this behalf.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the State Government to prescribe by rules the conditions subject to which the house building advance may be provided to the Deputy Ministers. This delegation is essential and normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[GAD File No. GAD(PA)-4(D)-24/82]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) (Amendment) Bill, 1982 recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.